



U.S. Department of
Transportation

Office of the Secretary
of Transportation

DOCUMENTARY SERVICE DIVISION
Washington, D.C. 20590

96-51

Weekly Summary of Orders and
Regulations

DECEMBER 9 - DECEMBER 13, 1996

Order	Docket	Summary	Date Action Taken
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(#) Published in the Federal Register.

96-11-31 OST-96-1023
 OST-96-1071

The Department directs all interested persons to show cause why we should not issue orders making final out tentative findings and conclusions stated above and award certificates to Gulf & Caribbean Cargo, Inc. d/b/a Gulf and Caribbean Air, authorizing it to engage in interstate and foreign scheduled air transportation of persons, property, and mail, subject to the attached specimen Terms, Conditions, and Limitations. We direct any interested persons having objections to the issuance of orders making final any of the proposed findings and conclusions, or the certificate awards set forth here to file such objections with the Documentary Services Division, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, in Dockets OST-96-1023 and OST-96-1071 and serve them upon all persons listed in Attachment A no later than 15 calendar days after the service date of this order; answers to objections shall be filed no later than 10 calendar days thereafter.
Served 12-5-96

11-29-96

Intervening number appeared on previous summary.

Order	Docket	Summary	Date Action Taken
96-12-2	OST-96-12-2 OST-95-591 (48772) 48771 47100 OST-96-1724 OST-96-1095 (46080)	<p>APPLICATIONS OF BRITISH AIRWAYS PLC., CARIBBEAN AIRLINE COMPANY LIMITED, CZECH AIRLINES, QANTAS AIRWAYS LIMITED, SURINAAMSE LUCHTVAART MAATSCHAPPIJ N.V., SURINAM AIRWAYS LIMITED: The Department dismisses the applications described in this order. Served 12-9-96</p> <p>Intervening numbers appeared on previous summary.</p>	12-3-96
96-12-4	OST-96-1215	<p>APPLICATION OF REIMERS AIR SERVICE, INC. The Department dismisses, without prejudice, the application filed in Docket OST-96-1215 by Reimers Air Service, Inc., for a certificate of public convenience and necessity. Served 12/11/96</p>	12-6-96
96-12-5	OST-96-1242	<p>1996/1997 BRAZIL ALL-CARGO CHARTER PROCEEDING (PHASE II): The Department tentatively allocates the 300 additional charters available for U.S.-Brazil all-cargo charter operations as follows: Southern Air Transport (SAT) - 75 charters, Tower Air - 25 charters, and the charter pool - 200 charters. The Department also tentatively decides to modify the charter pool rules to permit new entrant carriers to apply for up to eight flights each month. The Department directs all interested parties objecting to the tentative decisions described in this order to file an original and 5 copies of</p> <p>Continued</p>	12-9-96

Order	Docket	Summary	Date Action Taken
96-12-5	OST-96-1242	Continued their objections with the Department, Docket OST-96-1242, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D. C. 20590, Room PL-401, no later than December 16, 1996; answers to such objections shall be filed no later than December 19, 1996; If timely and properly supported objections are filed, we will accord full consideration to the matters or issues raised by the objections before we take further action; We grant all motions for confidential treatment filed by the parties in his case. Served 12/9/96	12-9-96
96-12-6	OST-96-2009	ESSENTIAL AIR SERVICE AT CAPE YAKATAGA AND ICY BAY, ALASKA: The Department tentatively reselects Gulf Air Taxi, Inc., to provide subsidized essential air service at Cape Yakataga and Icy Bay, Alaska, for the two-year period beginning November 1, 1996, at an annual rate of \$38,852. The Department requests that interested parties show cause within 20 days of the date of service of this order why we should not make final the tentative findings and conclusions set forth above. Objections should be filed with the Documentary Services Division, SVC-121.30, Room PL-401, 400 7th Street, S.W., Washington, D.C. 20590. Carriers interested in filing competing proposals to serve Cape Yakataga and Icy Continued	12-9-96

Order	Docket	Summary	Date Action Taken
96-12-6	OST-96-2009	Continued Bay, Alaska, should submit their proposals, with subsidy requests if necessary, within 20 days of the date of service of this order. Proposals should include all the data required by section 204.4 of our Regulations (14 CFR 204.4). An original and five copies of the proposal should be sent to the EAS & Domestic Analysis Division, X-53, Office of Aviation Analysis, Room 6401, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, with the title "Proposal to Provide Essential Air Service at Cape Yakataga and Icy Bay, Alaska, Docket 43447. Served 12/13/96	12-9-96
96-12-7	OST-96-2015 (46794)	ESSENTIAL AIR SERVICE AT MANKATO, MINNESOTA AND MITCHELL, SOUTH DAKOTA: The Department is soliciting proposals from carriers interested in providing replacement service at Mitchell, South Dakota, for a two-year period , and tentatively terminating the subsidy-eligibility of Mankato, Minnesota, as of November 30, 1996; Carriers interested in providing essential air service at Mitchell, South Dakota, should submit their proposals, with subsidy requests if necessary, within 20 days after the date of service of this order. Proposals should include all the data required by section 204.4 of the Department's Regulations (14 CFR 204.4). An original and five copies of the proposal should be sent to the EAS & Domestic Analysis Division, X-53, Office of Aviation Analysis, Room 6401, Department of Transportation, 400 7th Street, S.W. Continued	12-11-96

Order	Docket	Summary	Date Action Taken
96-12-7	OST-96-2015 (46794)	Continued Washington, D.C. 20590, with the title, “Proposal to Provide Essential Air Service at Mitchell, South Dakota, Docket 46794; We tentatively terminate the subsidy- eligibility of Mankato, Minnesota, as of November 30, 1996; We direct all interested persons to show cause within 20 days of the date of service of this order why we should not make final the tentative findings and conclusions set forth above. Objections should be filed with the Documentary Services Division, C-55, Room PL-401, 400 7th Street, S.W., Washington, D.C. 20590. Served 12-16-96	12-11-96
96-12-9	OST-96-2016 OST-96-1883 OST-96-1964 OST-96-1963 OST-95-570 (formerly 48421) OST-96-1921	1997 U.S.-BRAZIL COMBINATION SERVICE PROCEEDING: APPLICATIONS OF AMERICAN AIRLINES, INC., CONTINENTAL AIRLINES, INC., DELTA AIR LINES, INC., TOWER AIR, INC.: The Department institutes the 1997 U.S.- Brazil Combination Service Proceeding, Docket OST-96-2016, to select two primary and two backup carriers to provide scheduled combination services between the United States and Brazil, and to allocate frequencies for such services among designated U.S. combination carriers. We consolidate the frequency application of American Airlines, Inc., and the certificate applications of Continental Airlines, Inc., Delta Air Lines, Inc., and Tower Air, Inc., into this proceeding. Petitions for reconsideration of this order may be filed no later than December 20, 1996; answers to such petitions shall be due no later than December 24, 1996. Served 12/13/96	12-11-96

Order	Docket	Summary	Date Action Taken
96-12-10	Undocketed	<p>PRESTIGE AIRWAYS VIOLATIONS OF 14 CFR 399.84 AND 49 U.S.C. 41712:</p> <p>The Department approves the settlement and the provisions of this order as being in the public interest;</p> <p>Finds that Prestige Airways violated 14 CFR 399.84 by advertising a fare that failed to include the 10% federal excise tax in the price and which failed to either include the passenger facility charges in the price of specifically state the dollar amount separately in the advertisement;</p> <p>The Department orders Prestige Airways to cease and desist from further violations of 14 CFR 399.84 and 49 U.S.C. 41712, as described above;</p> <p>Prestige Airways is assessed \$10,000 in compromise of civil penalties that might otherwise be assessed for the violations found in ordering paragraphs 2 and 3 of this order.</p> <p>Prestige Airways shall pay \$5,000 of this amount within 15 days of the date of issuance of this order by wire transfer through the Federal Reserve Communications System, commonly known as "Fed wire," to the account of the U.S. Treasury. Failure to pay the penalty as ordered will subject Prestige Airways to assessment of interest, penalty, and collection charges under the Debt Collection Act, and possible enforcement action for failure to comply with this order.</p> <p>Served 12-11-96</p>	12-11-96
96-12-11	OST-96-1973	<p>The Department approves and grants antitrust immunity to the IATA agreement contained in Docket OST-96-1973 which readopts, through March 31, 1997 and with no change</p>	12-11-96

Order	Docket	Summary	Date Action Taken
		in fare levels, the North Atlantic-Africa passenger fare structure which expired on Continued	
96-12-11	OST-96-1973	Continued September 30, 1996, and which was last approved by the Department in Order 96-3-58, March 26, 1996. Served 12-17-96	12-11-96
96-12-12	OST-96-1962	The Department approves and grants antitrust immunity to the IATA agreement contained in Docket OST-96-1962 which reviews the list of non-stop sectors used to generate shortest operated and maximum permitted mileages in the absence of service by IATA carriers in order to limit constructions resulting in inflated mileages. Served 12-17-96	12-11-96
96-12-13	OST-96-1854 R-1 through R-7 OST-96-1884	The Department approves and grants antitrust immunity to the IATA agreements contained in Dockets OST-96-1854 and OST-96-1884. The agreement in Docket OST-96-1854 revalidates Circle Pacific excursion fares without change through March 31, 1998. The agreement in Docket OST-96-1854 adopts changes to fare levels and provisions for travel between the United States, Mexico, and the Caribbean, on the one hand, and Korea and South East Asia on the other, effective December 1, 1996. Served 12-18-96 Intervening numbers have not been released.	12-12-96
96-12-16	OST-96-1674	MOUNTAIN AIR EXPRESS, INC. D/B/A MAX: The Department finds that Mountain Air Express, Inc. d/b/a MAX is fit, willing, and	12-13-96

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		able to engage in interstate scheduled air transportation of persons, property, and mail;	
		Continued	
96-12-16	OST-96-1674	Continued We issue a certificate of public convenience and necessity to Mountain Air Express, Inc. d/b/a MAX to engage in interstate air transportation in the form and subject to the Terms, Conditions, and Limitations attached. Served 12-13-96	12-13-96
96-12-17	OST-96-1631 R-1 through R-31 OST-96-1877	The Department approves and grants antitrust immunity to the IATA agreements in Docket OST-96-1631 and OST-96-1877. The agreement in OST-96-1631 proposes a new U.S. - Europe fare structure applicable through March 31, 1998, except for certain "alliance" markets. The agreement in Docket OST-96-1631 also proposes a variety of structural changes, including the introduction of fares for travel between Belgrade and Chicago, Philadelphia and points in Italy, and San Diego and London, as well as fares (except for inclusive tours) for travel from Tunis to New York; and the deletion of all fares for travel from Prague and Bratislava to Chicago. Served 12-19-96	12-13-96
96-12-18	OST-96-1628 R-1 through R-22	The Department approves and grants antitrust immunity to the IATA agreement in Docket OST-96-1628 which proposes a new fare structure applicable for travel in U.S.-European "alliance" (Austria, Belgium, Germany, the Netherlands, Scandinavia and Switzerland) markets through March 31,	12-13-96

Order

Docket

Summary

**Date
Action
Taken**

1998.

Served 12-19-96

ORDERS NOT RELEASED AS OF
DECEMBER 13, 1996:
OST-96-12-14 AND 96-12-15.